

FISCAL NOTE

HB 2490 - SB 2974

March 19, 1998

SUMMARY OF BILL: Provides that any motor vehicle driver has given consent to a test to determine the alcohol or drug content of that person's blood, if that test is administered at the direction of a law enforcement officer having reasonable grounds to believe such person has violated DUI laws. This bill establishes the administrative procedures for immediate seizure and revocation by the department of safety of a person's driver license for refusal to consent to the test. The procedure for a subsequent hearing, if requested by the driver, is outlined. Violation of this law provides for revocation of the driver license for 12 months; payment of a reinstatement fee of \$100; and payment of an administrative review and processing fee of \$50 to the department of safety. The department of safety would reimburse any governmental agency for expenses incurred while testifying at hearings authorized by this law. Provides that the department of safety will perform a review of the bill's implementation and effectiveness not later than four years after becoming law. Current law provides that the court will determine if the person refused to take the test.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$195,000 Recurring
\$89,000 One-Time
Increase State Revenues - \$40,000

Assumes that:

- the Department of Safety will hire five staff persons to handle administrative responsibilities, including conducting the required hearings. One-time expenditures include \$60,000 for automated system modifications.
- 2,100 cases will require processing and 10% will be withdrawn. It is estimated that 50% of the 2,100 cases will request hearings and that officers testifying will require an approximate \$50 reimbursement from their agencies. This reimbursement expenditure is estimated to be \$52,500 recurring.
- 90% of the 2,100 refusing the test will be suspended. Of these, 25% will reinstate paying both the \$50 processing fee and \$100 reinstatement fee. The current reinstatement fee is \$65.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director